

REMARKS

Claims 1-9 and 13-20 were canceled previously. Claims 10-12 and claims 21-28 are still pending in the application. Claims 10, 21, and 25 have been currently amended.

In the final office action mailed on May 18, 2005, the examiner rejected claims 10-12, 21, 22, 24-26, and 28 under 35 U.S.C. § 102(b) as being anticipated by JP 2000-056358 Maruyama. The examiner pointed out, citing *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993), that limitations from the specification are not read into the claims. Though the applicant believes that the nature of the "preview image" recited in claims 10, 21, and 25 as being a yet-to-be-captured image of a current scene was sufficiently implied in the claims as originally submitted to distinguish them over Maruyama, the applicant has amended these three independent claims to recite this limitation explicitly. Claims 10, 21, and 25 now expressly state that the preview image comprises "a view of a scene that is periodically updated in real time prior to image capture." The specification discusses the output of optical system 140 being "rapidly sampled" in real time to generate reduced-resolution preview images, when digital camera 100 is in a "preview mode" (Specification, p. 3, lines 11-18). Therefore, there is support in the specification for the language "periodically updated" in amended claims 10, 21, and 25. Claims 10, 21, and 25, as amended, make clear that the preview image is a "live preview" that is superimposed over a background image to aid the photographer in *composing* a subsequent digital image to be captured and added to a multiple exposure.

The examiner views the static (already-captured and not periodically updated) digital image that is superimposed over a background image in Maruyama in generating a multiple exposure as a "preview image." The applicant agrees that the superimposed image in Maruyama can be viewed as a "preview image" in the general sense (i.e., it allows the user to decide whether to combine the two images into a multiple exposure before actually taking that step). However, Maruyama does not teach superimposing a "live" (periodically updated) preview image over a background image in generating a multiple exposure in a digital camera, as recited in claims 10, 21, and 25. Therefore, Maruyama does not anticipate claims 10, 21, and 25, and the applicant believes these claims to be allowable.

Since claims 11 and 12 depend from allowable amended claim 10, they too are allowable. Since claims 22-24 depend from allowable amended claim 21, they too are allowable. Finally, since claims 26-28 depend from allowable amended claim 25, they too are allowable.

The examiner also separately rejected claims 23 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Maruyama in view of EP-1-067-778-A2 (Hamada). Since it has already been shown above that Maruyama does not teach all of the limitations recited in amended independent claims 21 and 25, the combination of Maruyama and Hamada cannot render obvious claims 23 and 27, which depend, respectively, from amended claims 21 and 25.

This application is considered to be in condition for allowance, and reconsideration of the application is requested.

Respectfully submitted,

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